

**Planning Commission Hearing Minutes**  
**Date: October 12, 2020**

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Barbara Nicklas – Chair Kelly Russell – Alderman & Secretary Ron Burns – Vice Chair Joan Strawson Dorothy Menelas Shannon Sperati- Alternate Member		Gabrielle Collard, Division Manager of Current Planning Joe Adkins, Deputy Director of Planning & Community Development Scott Waxter, Assistant City Attorney Jessica Murphy, Administrative Assistant Pam Reppert, Planner III Charles Morrison, Planner I Cherian Eapen, Traffic Engineer David Edmondson, Transportation Planner II

**I. CALL TO ORDER:**

**II. ANNOUNCEMENTS:**

Ms. Collard made the following announcements about upcoming events and opportunities:

- Planning Commission Workshop October 19, 2020 items will be available online October 13<sup>th</sup>
- Planning has a ZBA member vacancy. The application deadline is October 23<sup>rd</sup> by 3PM.

**III. APPROVAL OF MINUTES:**

Approval of the **September 14, 2020** Planning Commission Meeting Minutes as amended:

**MOTION:** Commissioner Burns

**SECOND:** Commissioner Menelas

**VOTE:**       **5-0.**

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Approval of the **September 21, 2020** Planning Commission Workshop Meeting Minutes as amended:

**MOTION:** Commissioner Strawson

**SECOND:** Commissioner Menelas

**VOTE:**       **5-0.**

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Approval of the **October 9, 2020** Planning Commission Pre-Planning Meeting Minutes as amended:

**MOTION:** Commissioner Burns

**SECOND:** Commissioner Strawson

**VOTE:**       **5-0.**

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**IV. PUBLIC HEARING-CONSENT ITEMS:**

(All matters included under the Consent Agenda are routine by the Planning Commission. They will be enacted by one motion in the form listed below, without separate discussion of each item, unless any person present – Planning Commissioner, Planning Staff or citizen -- requests an item or items to be removed from the Consent Agenda. Any item removed from the Consent Agenda will be considered separately at the end of the Consent Agenda. If you would like any of the items below considered separately, please say so when the Planning Commission Chairman announces the Consent Agenda.)

**A. PC20-554FSI, Final Site Plan, TKO Westridge Square**

**MOTION:** Commissioner Burns moved for unconditional approval of the final site plan (PC20-554FSI), TKO Westridge Square, finding that the plan complies with all of the applicable criteria of Articles 4, 5, 6, 7, 8, and 12 of the LMC, that it is consistent with the 2010 Comprehensive Plan, and that the site will be adequately served by public facilities.

**SECOND:** Commissioner Strawson

**VOTE: 5-0.**

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**V. CONTINUANCES: None**

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**VI. MISCELLANEOUS:**

**B. PC15-120-01PND, Architectural Review, The Preserve at Tuscarora**

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved for approval of the architectural elevations for the single family detached and single family attached (townhouse units) as presented based on compliance with the criteria of Section 604 of the Land Management Code (LMC) and the approved master plan for the Planned Neighborhood Development (PND).

**SECOND:** Commissioner Menelas

**VOTE: 5-0.**

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**VII. OLD BUSINESS:**

**C. PC19-1297MU, Master Plan, MDC**

Kevin Sellner at 102 E. 5<sup>th</sup> Street asked for clarification on access points. He also asked about the direction of truck traffic on E. 5<sup>th</sup> Street. Mr. Sellner questioned the amount of traffic the project would add to East Street.

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved for approval of the mixed-use, conditional use to continue the storage warehouse use in the existing structure per Section 310, Master Plans, and Section 837, Mixed Use (MU) Conditional Use Review, of the Land Management Code (LMC), finding that:

1. All activity associated with the warehouse use will be within a completely enclosed building and that there will be no outdoor storage associated with the site;
2. That access to the use will be from a collector/arterial road and that the traffic generation will not adversely impact pedestrian movement in the mixed-use area;
3. That there will not be any noise generated from the site disruptive to the mixed-use area; and
4. That there will be no hazardous or obnoxious effluent released into the air, water, or ground and that all waste and by-products will be disposed of in a safe and healthful manner.

**SECOND:** Commissioner Strawson

**VOTE:** 5-0.

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved for approval of the modification to Table 417-2 to reduce the rear setbacks for the alley loaded units (SF-1, TH-1 and MF-1) from 20' to 3', with compensating feature that the adjacent alleys will be no less than 20' in width.

**SECOND:** Commissioner Burns

**VOTE:** 5-0.

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved for approval of the modification to Table 417-2 to reduce the 40' frontage to 32' for the SF-1 unit based on supporting smaller lots to integrate units with the townhome lots as a compact design for the development.

**SECOND:** Commissioner Strawson

**VOTE:** 5-0.

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Menelas moved for approval of the modification to Section 606, Subsection (g)(5) for setbacks along roads with rights-of-way of less than 50' in width finding the regulation is intended for unimproved streets and that the Planning Commission has the ability to modify a mixed-use master plan for benefit of design.

**SECOND:** Commissioner Strawson

**VOTE: 5-0.**

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved for approval of the modification to Section 606, Subsection (b)(2) that requires all lots to have frontage on a public street finding that the multi-family lot shall have rear access from an alley and reduce impervious surface while fronting on open space/park.

**SECOND:** Commissioner Menelas

**VOTE: 5-0.**

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved for approval of the modification to Section 606, Subsection (i)(1) and (2) for setbacks on corner lots in order to reduce corner lot secondary frontage to be treated as side yard setback, which shall accommodate the unit typical on a smaller lot for the compact design development.

**SECOND:** Commissioner Menelas

**VOTE: 5-0.**

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Menelas moved for approval of the modifications to the Engineering Standard Details: ST-11.1 for 43' wide right-of-way with 8' wide parallel parking and sidewalk only on one side; and ST-11.2 to reduce the right-of-way with sidewalk only on one side based on reducing impervious surface and providing meandering sidewalks through open spaces.

**SECOND:** Commissioner Strawson

**VOTE: 5-0.**

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Menelas moved for approval of a modified cross section of 62' wide right-of-way containing two 11' wide drive lanes, one 8' wide parking lane, an 11' wide protected bike lane allowing 4' wide directional lanes with 3' separation, and grass panels and sidewalks for E. 7th Street, finding this is the minimum right-of-way to serve as collector with future connections to be made.

**SECOND:** Commissioner Strawson

**VOTE: 5-0.**

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved for approval of the modification to Section 611, Street Improvement Standards, Subsection (e) for the geometric design standards for streets to allow use of aprons instead of curbing for private alleys only, based on compact development design and supporting turning movements.

**SECOND:** Commissioner Menelas

**VOTE:** 5-0.

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved for approval of the modification to Section 611, Street Improvement Standards, Subsection (m) for intersection design to have truncated corners to match curb radii, based on compact development design and supporting turning movements.

**SECOND:** Commissioner Strawson

**VOTE:** 5-0.

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved for approval finding that the plan is consistent with 2010 Comprehensive Plan and 2030 Roadway Classification Map contained herein, and the plan complies with the standards for the MU-1 district established in Section 417 of the LMC and meets the goals and objectives of the MU-1 district for the overall consistency with the Comprehensive Plan and its impacts on public facilities as outlined in Section 1115 of the LMC, with the following eight (8) conditions to be met:

1. Add a note to 45' ROW detail: Street trees to be placed on private property in public easements.
2. Edit note 8 as follows: Facilities will be designed with the preliminary plat and/or final site plan.
3. If the conditional use is approved, note 10 must be revised to indicate the approval date that the existing structure was approved under the provisions of Section 310(i) and 837 of the LMC for the use of storage warehouse.
4. Add to Note 6: Shall execute and obtain recorded MPDU agreement prior to issuance of first building permit.
5. Identify and label the Pine Avenue cross section in the road details.
6. The Applicant will provide a trail connection from the linear park to 5<sup>th</sup> Street through either the open spaces, private drives, or along internal public streets. Where provided on public streets, the applicable road detail will be revised at the preliminary plat or final site plan to include the path.

7. Provide the Trip Cap Per Acre (ADT) which cannot exceed 5,552.
8. That the plan be revised to indicate that the Applicant will dedicate right-of-way sufficient to construct the half section improvements of Pine Avenue to be no less than 30', but where necessary at a width greater than 30' to accommodate an alignment with the existing section of Pine Avenue south of 5<sup>th</sup> Street and at its intersection; the specific width to be determined by the City at the time of preliminary plat/site plan approval.

**SECOND:** Alderman Russell

**VOTE:** 5-0.

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### **VIII. NEW BUSINESS:**

#### **D. PC20-376FSI, Final Site Plan, Industrial Center East Lot 329**

##### **PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved to approve of the final site plan (PC20-376FSI), Industrial Center East Lot 329, finding that the plan complies with all of the applicable criteria of Articles 4, 5, 6, 7, 8, and 12 of the LMC, that is it consistent with the 2010 Comprehensive Plan, and that the site will be adequately served by public facilities, with the following conditions:

1. The final plat must be recorded prior to unconditional approval of the site plan;
2. Provide the plat book and page in Note 2 on Sheet 1 of the site plan;
3. Correct the NAC to NAC 12 in Note 21.
4. Correct Note 24 to state, "Test pits to be performed at proposed storm drain and sanitary sewer crossings across the existing Frederick County gas easement L. 2645 F.305 at the Eastern part of the site" and change "Frederick County" to "Washington Gas".
5. Address the location of the AR (Red Maple) in the Washington Gas easement concerning the new location and the distance between the edge of the Washington Gas Easement and the proposed edge of paving, which is approximately 3 feet, as it may still affect the gas line.
6. Show the 2" gas main in the Washington Gas Easement and label the 2" and 4" gas mains with a "G" symbol on the dashed line for easier identification as the 4" gas main on Tilco Drive appears to run under the back edge of the sidewalk.

**SECOND:** Commissioner Menelas

**VOTE:** 5-0.

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#### **E. PC19-1222FSCB, Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, Industrial Center East Lot 329**

##### **PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved to approve of the combined forest stand delineation and preliminary forest conservation plan (PC19-1222FSCB), Industrial Center East Lot 329, with street tree credit for 6 trees, 1/4 credit for 4,388 square feet of landscaped area, and pay a fee in lieu of

mitigation in the amount of \$2,580.00, based on compliance with all applicable standards of Section 721 of the LMC, with the following condition:

1. Recordation of the landscape easement for the buffer along the eastern property line.

**SECOND:** Commissioner Menelas

**VOTE:** 5-0.

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**F. PC20-384FSI, Final Site Plan, Clearview Communities at 615 W. Patrick Street**

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson of the modification request to Section 607, Table 607-2 of the LMC, *Parking and Loading Standards*, which requires a minimum of one parking space per every 1,000sf and a maximum of one parking space per every 200sf for Professional Office uses, based on the analysis in the staff report and finding that:

1. The request is not contrary to the purpose and intent of the Code;
2. The request is consistent with the Comprehensive Plan; and
3. The application includes compensating design or architectural features so as to meet the overall objectives of the particular requirement.

**SECOND:** Commissioner Menelas

**VOTE:** 5-0.

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved for approval of the modification request to Section 607(g)(2) of the LMC, *Parking and Loading Standards*, which requires a 15-foot setback for parking facilities from all property lines, based on the analysis in the staff report and finding that:

1. The request is not contrary to the purpose and intent of the Code;
2. The request is consistent with the Comprehensive Plan; and
3. The application includes compensating design or architectural features so as to meet the overall objectives of the particular requirement.

**SECOND:** Commissioner Menelas

**VOTE:** 5-0.

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Menelas moved for approval of the modification request to Section 607(e)(2)(D) of the LMC, *Parking and Loading Standards*, which states that lighting must be contained within the property boundaries, based on the analysis in the staff report and finding that:

1. The request is not contrary to the purpose and intent of the Code;
2. The request is consistent with the Comprehensive Plan; and
3. The application includes compensating design or architectural features so as to meet the overall objectives of the particular requirement.

**SECOND:** Commissioner Strawson

**VOTE:** 5-0.

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved for approval of the modification request to Section 607 of the LMC, *Parking and Loading Standards*, Table 607-4, which requires one large loading space for office spaces between 5,000 and 100,000 GFA, based on the analysis in the staff report and finding that:

1. The request is not contrary to the purpose and intent of the Code;
2. The request is consistent with the Comprehensive Plan; and
3. The application includes compensating design or architectural features so as to meet the overall objectives of the particular requirement.

**SECOND:** Commissioner Menelas

**VOTE:** 5-0.

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Menelas moved for approval of the modification request to Section 605 of the LMC, *Landscaping Standards*, Table 605-3, which requires a Level I landscape screening for RO lots abutting other RO lots as well as parking area screening that is required in accordance with Section 406(b)(7), based on the analysis in the staff report and finding that:

1. The request is not contrary to the purpose and intent of the Code;
2. The request is consistent with the Comprehensive Plan; and
3. The application includes compensating design or architectural features so as to meet the overall objectives of the particular requirement.

**SECOND:** Commissioner Strawson

**VOTE:** 5-0.

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved for approval of the modification request to Section 821(b)(2) of the LMC, *Fences, Hedges, and Walls*, which states that fences, walls, and hedges are



generally prohibited beyond the front façade of the principal structure in residential districts, based on the analysis in the staff report and finding that:

It meets the criteria outlined in Section 821 as follows:

- A. The proposed fence, wall, or hedge complies with the sight triangle provisions outlined in Section 611(t);
- B. The proposed fence, wall, or hedge is consistent with the scale and design of the surrounding community;
- C. The proposed fence, wall, or hedge does not adversely impact the use and enjoyment of other properties in the immediate vicinity.

And meets the criteria outlined in Section 309(j) as follows:

1. The request is not contrary to the purpose and intent of the Code;
2. The request is consistent with the Comprehensive Plan; and
3. The application includes compensating design or architectural features so as to meet the overall objectives of the particular requirement.

**SECOND:** Commissioner Menelas

**VOTE:** 5-0.

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved for approval of the final site plan (PC20-384FSI), ClearView Communities at 615 W. Patrick Street, finding that the plan complies with all of the applicable criteria of Article 4, waiving the requirement of LMC Section 406(b)(3)(A) thereby allowing the addition to attach to the side of the existing building, finding that there is a need to have the proposed services in this location for ClearView's group homes on adjacent lots and that allowing the addition to wrap around the side will provide for enough space without fundamentally altering the character of the neighborhood, and that the requested accommodation is both necessary and reasonable, and therefore required to be granted by law; also finding that the plan is consistent with the applicable Sections Articles 5, 6, 7, 8, and 12 of the LMC; that is it consistent with the 2010 Comprehensive Plan; and that the site will be adequately served by public facilities, with the following conditions:

1. The access easement be recorded prior to unconditional site plan approval;
2. Add approval dates for the modifications on the site plan.

**SECOND:** Commissioner Menelas

**VOTE:** 5-0.

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- G. **PC20-99ZMA, Zoning Map Amendment, 423 W. Patrick Street (Wayside Apartments)**  
H. **PC29-94MU, Master Plan, 423 W. Patrick Street (Wayside Apartments)**

**PLANNING COMMISSION ACTION:**

This is the first of two required hearings.

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**I. PC19-987ANX, Annexation, Winpenny Tell Property**

Linda Miller of 2064 Chamberlain Dr. is concerned the development would affect her property. Ms. Miller is not in favor of the project, but if it's approved, she would like the tree line to stay. Ms. Miller would like to see only single-family homes developed as the view of the mountain is important. Ms. Miller has concerns for Lakin Dr. and Winpenny Tell Dr. and asks they not be used for construction.

David Bandy of 6349 Winpenny Tell Dr. has traffic concerns and advised that Winpenny Tell Dr. was not planned for additional traffic and has poor visibility. Mr. Bandy advised it's dangerous for pedestrians and cyclists.

Richard Wilson of Chamberlain Dr. is concerned about traffic and child safety. Mr. Wilson advised he's not happy about the project as it will reduce the quality of life.

Tara Whipp of 2062 Chamberlain Dr. advised she agrees with Ms. Miller and is opposed to the annexation.

Wayne Kessinger of 6033 Winpenny Tell Dr. strongly opposed. He advised the road is narrow and not safe for the volume of traffic that it will create. The reason he purchased this property was it was private, and traffic was limited to the 10 homeowners in the neighborhood. Mr. Kessinger that the danger of someone getting injured with the blind curves and limited visibility is overwhelming. He hopes the project is voted down and another alternative is found.

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved to continue PC19-987ANX until the November 9, 2020 Planning Commission Hearing.

**SECOND:** Commissioner Menelas

**VOTE: 5-0.**

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Meeting approximately adjourned at 11:00 pm

Respectfully Submitted,

Jessica Murphy  
Administrative Assistant